

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

NO. 4:08CR00224 JLH

DOUGLAS RONALD SCHUH

DEFENDANT

ORDER

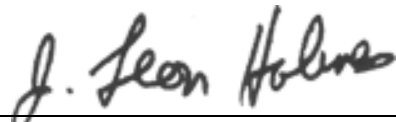
Counsel for Douglas Ronald Schuh has filed an uncontested motion for a forensic psychiatric evaluation for any medical, psychiatric treatment that may be appropriate. As the motion notes, Schuh was referred for a mental health evaluation in 2008. On August 5, 2008, a report was issued in which a forensic psychologist found that Schuh was competent to proceed to trial. He had a primary diagnosis of alcohol abuse with an adjustment disorder, but otherwise no psychosis was found. Although Schuh has reported a history of bipolar disorder, the psychological examiner found no evidence of that disorder. The report indicates that Schuh understands the charge against him and is able to assist his lawyer.

In the current motion, counsel for Schuh explains that Schuh does not call him, although he has been told on numerous occasions that he can collect, and he declined to discuss the case with defense counsel and an investigator on a recent visit. The motion also states that defense counsel and the investigator “heard reports from jail staff and others who have witnessed conduct on Mr. Schuh’s part that would indicate that Mr. Schuh should be re-evaluated as to whether (1) he is competent to proceed and (2) he was legally responsible for his actions at the time of the alleged offense.”

Although it may be that Schuh does need another evaluation, the information provided is inadequate to lead the Court to that conclusion. Therefore, a hearing will be held at which counsel may present evidence relating to competency. If, after hearing the evidence, the Court is unable to determine whether Schuh is competent, the Court then will consider whether to refer him to the Bureau of Prisons for another mental health evaluation. The hearing will be scheduled by a separate order.

Schuh has also filed an unopposed motion for continuance. The Court will grant that motion in a separate order.

IT IS SO ORDERED this 4th day of September, 2009.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE